UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,834	12/13/2001	Syed Babar Irfan	AUS920010966US1	3553

7590   03/25/2005

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EXAMINER
INGBERG, TODD D

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.   /
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 March 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _14 March 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _12/13/2001_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1 – 27 have been examined.

Specification

1.   The abstract of the disclosure is objected to because the Abstract is longer than 150
words. Correction is required. See MPEP § 608.01(b). Legal words like Method and Apparatus
should not be present.

2.   The use of the trademark JAVA has been noted in this application. It should be
capitalized wherever it appears and be accompanied by the generic terminology.

        Although the use of trademarks is permissible in patent applications, the proprietary
nature of the marks should be respected and every effort made to prevent their use in any manner
which might adversely affect their validity as trademarks.

Drawings

3.   The drawings were received on March 14, 2002. These drawings are acceptable.

Information Disclosure Statement

4.   The Information Disclosure Statement (IDS) of December 13, 2001 has been considered.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1 – 5, 9-13, 17-21 and 25-27 are rejected under 35 U.S.C. 102(e) as being

anticipated by USPN 6,546,554 **Schmidt** et al filed January 21, 2000.

Claim 1
Schmidt anticipates a computer controlled object oriented programming network system for
distributing selected application programs from a provider to a plurality of a customer's client   ˙
computers comprising: a customer server computer connected to said plurality of client
computers; means associated with said server computer for storing a Hypertext Markup
Language document including: an embedded program applet for selectively accessing each of
said application programs being distributed, and an embedded installation applet for accessing a
program for installing said application programs being distributed on said client computers;
means associated with at least one of said client computers for selecting one of said application
programs for installation; and means responsive to said selection of said application program for
sending said installation program to the client computer that selected said application program.
Examiner's Response
Schmidt shows an HTML document with a JAVA applet for installing (Col 4, lines 50 60 see
code example) on a client computer (see title). The file is downloaded (see Abstract) on the
Internet (See context diagram of Figure 2).

Claim 2
The computer controlled network: system of claim 1 wherein said Hypertext Markup Language
document is a World Wide Web document.
Examiner's Response
Claim 1 shows the HTML document is intended to be downloaded via the Internet. This makes
the HTML document a World Wide Web document.

Claim 3
The computer controlled network system of claim 2 further including means for transmitting said
World Wide Web document to said customer server computer over the World Wide Web.
Examiner's Response
As per claim 2.

Claim 4
The computer controlled network system of claim 2 further including means for sending at least
one selected application program to the client computer that selected said program.
Examiner's Response
         Col 3, lines 10 – 20 mentions being able to click on the link as a form of selecting to
install.

Claim 5
The computer controlled network system of claim 4 further including: means in said client
computer for storing said installation applet; and wherein said means for sending said at least one
selected application program to said client computer sends said application program after said

installation applet is stored in said client computer so that said installation applet may access said installation program.

Examiner's Response

The combination of the limitations in claims 1 and 4 meet the limitations of this claim.

Claim 9

Schmidt anticipates in a computer controlled object oriented programming network system, a method for distributing selected application programs from a provider to a plurality of a customers' client computers comprising: storing in a customer server computer connected to said plurality of client computers, a Hypertext Markup Language document including: an embedded program applet for selectively accessing each of said application programs being distributed, and an embedded installation applet for accessing a program for installing said programs being distributed on said client computers; selecting at one of said client computers, one of said application programs for installation; and responsive to said selection of said application program, sending said installation program to the client computer that selected said application program.

Examiner's Response

See the rejection for claim 1.

Claim 10

The method of claim 9 wherein said Hypertext Markup Language document is a World Wide Web document.

Examiner's Response

As per claim 2.

Claim 11

The computer controlled network system of claim 10 further including the step of transmitting said World Wide Web document to said customer server computer over the World Wide Web.

Examiner's Response

As per claim 2.

Claim 12

The method of claim 10 further including the step of sending at least one selected application program to the client computer that selected said application program.

Examiner's Response

See the rejection for claim 1.

Claim 13

The method of claim 12 further including: the step of storing said installation applet in said client computer; and wherein said step of sending said at least one selected application program to said client computer sends said application program after said installation applet is stored in said client computer.

Examiner's Response

In addition to the rejection for claim 1 see the figures. Figure 4 Helper Application, Figure 5, #540 Helper application.

Claim 17

Schmidt anticipates a computer program having code recorded on a computer readable medium for distributing selected application programs from a provider to a plurality of a customers' client computers in a computer controlled object oriented programming network system, said computer program comprising: a customer server computer; means associated with a server computer connected to a plurality of client computers for storing a Hypertext Markup Language document including: an embedded program applet for selectively accessing each of the application programs being distributed, and an embedded installation applet for accessing a program for installing said application programs being distributed on said client computers; means associated with at least one of said client computers for selecting one of said application programs for installation; and means responsive to said selection of said application program for sending said installation program to the client computer that selected said application program.

Examiner's Response

See the rejection for claim 1.

Claim 18

The computer program of claim 17 wherein said Hypertext Markup Language document is a World Wide Web document.

Examiner's Response

As per claim 2.

Claim 19

The computer program of claim 18 further including means for transmitting said World Wide Web document to said customer server computer over the World Wide Web.

Examiner's Response

As per claim 2.

Claim 20

The computer program of claim 1.8 further including means for sending at least one selected application program to the client computer that selected said application program.

Examiner's Response

       as per claim 1 see title.

Claim 21

The computer program of claim 20 further including: means in said client computer for storing said installation applet; and wherein said means for sending said at least one selected application program to said client computer sends said program after said installation applet is stored in said client computer so that said installation applet may access said installation program.

Examiner's Response

       In addition to the rejection for claim 1. See Col 8, lines 47-55. It checks to see if a new version is available, and Figure 4 #340.

Claim 25
Schmidt anticipates a Hypertext Markup Language document for distribution of computer application programs to client computers over the World Wide Web comprising: an embedded object oriented program applet, each applet for selectively accessing application programs being distributed; an embedded installation applet for accessing a program for installing said application programs; and user selectable hyperlinks to one of said embedded applets.
Examiner's Response
         See the rejection for claims 1 and 4.

Claim 26
The Hypertext Markup Language document of claim 25 further including a user selectable install hyperlink to automatically install in client computers, the application programs accessed by said embedded program applets.
Examiner's Response
         See the rejection for claims 1 and 4.

Claim 27
The Hypertext Markup Language document of claim 26 wherein said embedded object oriented program applets and installation applets are implemented in the Java object oriented programming language.
Examiner's Response
Col 4, lines 50 60 see code example.

Allowable Subject Matter

7.   Claims 6- 8, 14 – 16 and 22-24 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

8.   Claims 6, 14 and 22 contain the limitation of determining if the installation applet has already been installed. Prior Art of record is silent in regard to this limitation. The closest mention of installation of a new version is Col 8, lines 47-55. It checks to see if a new version is available, but no mention of having to determine the presence of a copy and how it is handled as per the claimed invention.
Claim 6
The computer controlled network system of claim 5 wherein said means for storing said installation applet in a client computer stores said installation applet only if said installation applet has not been previously stored in said client computer.

Claim 14

The method of claim 13 wherein said step of sending said installation applet to a client computer stores said installation applet only if said installation applet has not been previously stored in said client computer.
Claim 22
The computer program of claim 21 wherein said means for storing said installation applet in a client computer stores said installation applet only if said installation applet has not been previously sent to said client computer.

9.   Claims 7-8, 15-16 and 23-24 are dependent on objected claims.
Claim 7
The computer controlled network system of claim 6 wherein said client computers further include a user interactive World Wide 'Web browser, said World Wide Web browser including: said means associated with a client computer for selecting one of said application programs for installation; and means controlling said storing of said installation applet only if said installation applet has not been previously stored in said client computer.

Claim 8
The computer controlled network system of claim 7 further including means associated with said World Wide Web browser for caching the stored installation applet.

Claim 15
The method of claim 14 further including user interactive World Wide Web browser programs, said World Wide Web browser programs including the steps of:
selecting at one of said client computers, one of said application programs for installation; and controlling said storing of said installation applet only if said installation applet has not been previously stored in said client computer.

Claim 16
The method of claim 15 wherein said World Wide Web browser includes the steps of caching the stored installation applet.

Claim 23
The computer program of claim 22 wherein said client computers further include a user interactive World Wide Web browser program, said World Wide Web browser program including: said means associated with a client computer for selecting one of said application programs for installation; and said means controlling said storing of said installation applet only if said installation applet has not been previously stored in said client computer.

Claim 24
The computer program of claim 23 further including means associated with said World Wide Web browser program for caching the stored installation applets.
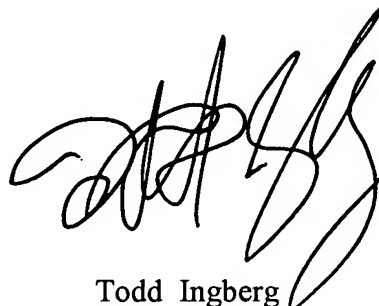
Correspondence

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd Ingberg
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Art Unit 2124

TI